

AMENDMENT
S/N.: 10/618,308
Duc T. Doan

REMARKS/ARGUMENTS

In the specification the new paragraph has been added to claim benefit of the earlier filed Provisional Application No. 60/399,022 filed on 29 July 2002.

Rejection of claims 1-13 under 35 U.S.C 102(b)

The Examiner has rejected claims 1-13 under 35 U.S.C. 102(b) as being anticipated by Morlok (US 6,056,002). As to such rejections the courts have held, with respect to "anticipation", that "Anticipation requires the presence in a single prior art disclosure of all of a claimed invention arranged as in the claim." See Structural Rubber Products Co. v. Park Rubber Co. (Fed Cir 1984) 223 USPQ 124, and Radio Steel & Mfg. Co. v. MTD Products Inc. (Fed Cir 1984) 221 USPQ 757.

In rejecting these claims under this section the Examiner has alleged certain disclosures of Morlok that do not apply to the claims now in the case, that is, there is no teaching or suggestion in Morlok of the structure or function of applicant's invention as recited either in the herein amended or added new claims. Morlok merely discloses a foamed encapsulation, for hygienic reasons, of the combination of a hot and cold water line, each with an in-line conventional meter.

Claims 1 and 4-9 have been amended, claims 2, 3 and 10-13 have been canceled, and new claims 14-20 have been added. Thus, claims 1, 4-9 and 14-20 are in the application, each believed reciting structure and function not present in the disclosure of Morlok. It is thus respectfully requested that the Examiner reconsider rejection of applicant's claims under 35 U.S.C. 102(b) as being anticipated by Morlok.

Furthermore, it is submitted that the claims now in the case are free of rejection under 35 U.S.C. 103 in view of the prior art, inasmuch as one skilled in the art, with the prior art before him, but in the absence of applicant's disclosure, would not be capable of constructing applicant's claimed structure without displaying creative genius (Ex parte Warhol, 94 USPQ 193, In re Irmischer, 120 USPQ 196).

A Power of Attorney is attached appointing the undersigned to prosecute the application. Accordingly it is requested that all future communication be sent to the undersigned at the address shown.

In view of the above, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectively submitted,

 4/12/2004
Date

Edward E. Roberts
Attorney for Applicant
(949) 365-5717

P.O. Box 3206
Dana Point, CA 92629

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I hereby certify that this correspondence is being deposited with the United States Postal Service, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 12 April 2004.



Edward E. Roberts
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